

1 MICHAEL COSENTINO State Bar No. 83253
Counsel for the United States
2 P.O. Box 129
Alameda, CA 94501

3 Telephone: (510) 523-4702
4 Facsimile: (510) 747-1640

5 Attorney for Plaintiff
United States of America
6
7

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 **UNITED STATES OF AMERICA,**

Case No. **C00-4135 M**

12 Plaintiff,

13 v.

**EX PARTE APPLICATION FOR WRIT
OF CONTINUING GARNISHMENT**

14 **JOHNNY J. ANGUIANO,**

15 Defendant,

16 and

17 **SAN FRANCISCO GIANTS,**

18 Garnishee.
19 _____/

20 The United States of America, plaintiff-judgment creditor, makes application in
21 accordance with 28 U.S.C. § 3205(b)(1) to the Court to issue an ORDER GRANTING
22 APPLICATION FOR WRIT OF CONTINUING GARNISHMENT and thereafter for the
23 Clerk of the United States District Court to issue a WRIT OF CONTINUING
24 GARNISHMENT upon the defendant-judgment debtor JOHNNY J. ANGUIANO
25 (hereinafter "debtor"). A proposed ORDER GRANTING APPLICATION FOR WRIT
26 OF CONTINUING GARNISHMENT and a proposed WRIT OF CONTINUING
27 GARNISHMENT have been lodged concurrently along with the filing of this
28 Application.

1 In support of its Application, the United States asserts the following:

2 1. This Court entered a civil judgment in favor of the United States and
3 against the debtor in the above-captioned action, SSN XXX-XX-1274, for a defaulted
4 student loan in the amount of \$25,761.70. A true and correct copy of the judgment is
5 attached to and incorporated into the DECLARATION OF MICHAEL COSENTINO IN
6 SUPPORT of this Application, filed herewith, as Exhibit **A**.

7 2. The debtor's last known address is 510 Cypress Avenue, San Bruno, CA
8 94066.

9 3. As of the date of this Application, the debtor has paid and/or been
10 credited with a total of \$4,568.30 towards the judgment debt. As a result, there is a
11 balance due of \$67,018.21, which amount includes interest computed through
12 February 5, 2020.

13 4. The United States has demanded payment of the judgment debt from
14 the debtor not less than 30 days prior to the date of this Application, and the debtor
15 has failed to satisfy the debt. A true and correct copy of the demand letter dated
16 December 12, 2019, is attached to and incorporated into the DECLARATION OF
17 MICHAEL COSENTINO IN SUPPORT of this Application, filed herewith, as Exhibit **B**.

18 5. Based on information in its possession, the United States believes that
19 the Garnishee owes or will owe money to the debtor, and in any event has possession
20 of property (including nonexempt disposable earnings) in which the debtor has a
21 substantial nonexempt interest. The name and address of the Garnishee or the
22 Garnishee's authorized agent is:

23 Attn: Payroll Department
24 SAN FRANCISCO GIANTS
AT&T Park, 24 Willie Mays Plaza
San Francisco, CA 94107

25 6. The United States seeks the sum of 25% of the debtor's disposable earnings to
26 be withheld from the debtor's wages, salary, or commissions and to be applied toward
27 the judgment debt.

28 WHEREFORE, the United States of America respectfully requests the Court to

1 issue its ORDER GRANTING APPLICATION FOR WRIT OF CONTINUING
2 GARNISHMENT and requests the Clerk of the Court to issue a WRIT OF
3 CONTINUING GARNISHMENT to the Garnishee in accordance with the Federal Debt
4 Collection Procedures Act of 1990, 28 U.S.C. §§ 3001, *et. seq.*

5 Respectfully submitted,

6 Dated: February 5, 2020

7 s/s
Michael Cosentino, Attorney for Plaintiff
United States of America

1 MICHAEL COSENTINO State Bar No. 83253
Counsel for the United States
2 P.O. Box 129
Alameda, CA 94501

3 Telephone: (510) 523-4702
4 Facsimile: (510) 747-1640

5 Attorney for Plaintiff
United States of America
6
7

8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 **UNITED STATES OF AMERICA,**

Case No. **C00-4135 M**

12 Plaintiff,

13 v.

14 **JOHNNY J. ANGUIANO,**

15 Defendant,

**WRIT OF CONTINUING
GARNISHMENT**

16 and

17 **SAN FRANCISCO GIANTS,**

18 Garnishee.
19 _____/

20 TO: Payroll Department
SAN FRANCISCO GIANTS
21 AT&T Park, 24 Willie Mays Plaza
San Francisco, CA 94107
22

23 YOU ARE HEREBY COMMANDED TO GARNISH FOR THE BENEFIT OF
24 THE UNITED STATES OF AMERICA THE WAGES, SALARY, OR COMMISSION IN
25 YOUR CUSTODY, CONTROL, OR POSSESSION IN WHICH THE DEFENDANT-
26 JUDGMENT DEBTOR HAS AN OWNERSHIP INTEREST.

27 The name, SSN XXX-XX-1274, and last known address of the person who is
28 the defendant-judgment debtor (hereinafter "debtor") in this action and whose property

1 is subject to this Writ are as follows:

2 JOHNNY J. ANGUIANO
3 510 Cypress Avenue
4 San Bruno, CA 94066

5 This Writ has been issued at the request of the United States of America to
6 enforce the collection of a civil judgment entered in favor of the United States against
7 the debtor for a defaulted student loan in the amount of \$25,761.70. There is a
8 balance of \$67,018.21 due on the judgment, which amount includes costs and interest
9 computed through February 5, 2020; interest continues to accrue until paid in full.

10 The following are the steps that you must take to comply with this Writ. If you
11 have any questions, you should consult with your attorney.

12 1. Pursuant to 28 U.S.C. § 3205(c)(2)(F), if you have in your custody, control,
13 or possession any property of the debtor, including wages, salary, or commissions, in
14 which the debtor has a substantial nonexempt interest, or if you obtain custody,
15 control, or possession of such property while this Writ is in effect, you must
16 immediately withhold such property from the debtor and retain it in your possession
17 until you receive instructions from the Court which will tell you what to do with the
18 property. The United States has requested that the sum of 25% of the debtor's
19 disposable earnings, which under California law represents the nonexempt portion of
20 the debtor's earnings, be withheld from the defendant's earnings.

21 2. Pursuant to 28 U.S.C. § 3205(c)(2)(E), you are required to answer this Writ
22 within 10 days after service of this Writ upon you. You must answer the Writ even if
23 you do not have in your custody, control, or possession any property of the debtor.
24 Pursuant to 28 U.S.C. § 3205(c)(4), your answer must state, under oath, the following
25 information:

- 26 a. Whether or not you have in your custody, control, or possession, any
27 property owned by the debtor in which the debtor has a substantial
28 nonexempt interest, including nonexempt, disposable earnings;

- b. a description of such property and the value of such property;
- c. a description of any previous garnishments to which such property is subject and the extent to which any remaining property is not exempt; and
- d. the amount of the funds you anticipate owing to the debtor in the future and whether the period for payment will be weekly or another specified period.

For your convenience, a form which addresses the above-requested information is attached and may be used to Answer the Writ.

3. After you complete the answer under oath, pursuant to 28 U.S.C. § 3205(c)(2)(E) & (c)(4), within ten (10) days after service of this Writ upon you, you must mail or deliver the original Answer bearing the original signature of the person preparing the answer to the Court at the following address:

Civil Clerk, United States District Court
450 Golden Gate Avenue, 16th Floor
San Francisco, CA 94102

At the same time that you mail or deliver the original answer to the Court, you must also mail or deliver a copy of the original Answer to both the debtor and attorney for the United States at the following respective addresses:

JOHNNY J. ANGUIANO
510 Cypress Avenue
San Bruno, CA 94066

Michael Cosentino, Counsel for the United States
P.O. Box 129
Alameda, CA 94501

Please note that the attached form Answer contains a certificate of service which needs to be completed by the person mailing the copies of the answer to the debtor and the attorney for the United States, and which needs to be filed along with the Answer.

IF YOU FAIL TO ANSWER THIS WRIT OR FAIL TO WITHHOLD PROPERTY

1 IN ACCORDANCE WITH THIS WRIT, THE UNITED STATES MAY PETITION THE
2 COURT FOR AN ORDER REQUIRING YOU TO APPEAR BEFORE THE COURT TO
3 ANSWER THE WRIT AND TO WITHHOLD PROPERTY IN ACCORDANCE WITH
4 THE WRIT BEFORE THE APPEARANCE DATE. IF YOU FAIL TO APPEAR OR DO
5 APPEAR AND FAIL TO SHOW GOOD CAUSE WHY YOU FAILED TO COMPLY
6 WITH THIS WRIT, THE COURT WILL ENTER A JUDGMENT AGAINST YOU FOR
7 THE VALUE OF THE DEBTOR'S NONEXEMPT INTEREST IN SUCH PROPERTY
8 (INCLUDING NONEXEMPT DISPOSABLE EARNINGS). THE COURT MAY ALSO
9 AWARD A REASONABLE ATTORNEY'S FEE TO THE UNITED STATES AND
10 AGAINST YOU IF THE WRIT IS NOT ANSWERED WITHIN THE TIME SPECIFIED
11 HEREIN AND IF THE UNITED STATES FILES A PETITION REQUIRING YOU TO
12 APPEAR.

13 SUSAN Y. SOONG, Clerk
14 United States District Court
15 for the Northern District of California

16 Dated: 2/14/2020

By:  *Susan Y. Soong*
Aris Garcia
Deputy Clerk

DO NOT WITHHOLD THE EXEMPT PORTION OF THE EMPLOYEE'S EARNINGS

1. Earnings include any money (whether called wages, salary, commissions, bonuses, or anything else) paid for personal services, pension, or retirement. Vacation or sick pay is earnings subject to withholding as it is *received* by the employee.

2. Disposable earnings are different from gross pay or take-home pay. They are the earnings left after deducting the part which state or federal law requires an employer to withhold as mandatory deductions. Generally, these mandatory deductions are federal income tax, social security (FICA) tax, state income tax, state disability insurance, and payments to public employee retirement systems. Disposable earnings can change from pay period to pay period, whenever gross pay or required deductions change.

To determine earnings that¹ are eligible for withholding, and therefore must be withheld, see the chart below.

USE THE CHART BELOW TO DETERMINE NONEXEMPT DISPOSABLE EARNINGS AND THE APPLICABLE WITHHOLDING AMOUNT¹:

Pay Period:	Weekly or oftener	Every 2 weeks	Twice a month	Once a month
Disposable earnings:	\$ 0 to \$217.50	\$ 0 to \$435.00	\$ 0 to \$471.25	\$ 0 to \$942.50
Withhold:	Nothing (entire earnings are exempt)			
Disposable earnings:	\$217.51 to \$290.00	\$435.01 to \$580.00	\$471.26 to \$628.33	\$942.51 to \$1,256.67
Withhold:	Amt. over \$217.50	Amt. over \$435.00	Amt. over \$471.25	Amt. over \$942.50
Disposable earnings:	\$290.01 or more	\$580.01 or more	\$628.34 or more	\$1,256.68 or more
Withhold:	25% of disposable earnings (balance is exempt)			

¹Based on the Federal Minimum Wage Earnings of \$7.25 an hour, effective 07/24/2009

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHNNY J. ANGUIANO,

Defendant,

and

SAN FRANCISCO GIANTS,

Garnishee.

Case No. C00-4135 M

ANSWER OF GARNISHEE

I, _____, being first duly sworn, hereby state the following:

1. I am the _____ (Official Title) of the Garnishee
named in the above caption. I am authorized to prepare this Answer on behalf of the
Garnishee.

2. The Garnishee was served with the Writ of Continuing Garnishment on
_____ (date) in this action.

3. The Garnishee currently has custody, control, or possession of earnings of
the Defendant. Yes____ No____

4. The Garnishee expects to obtain custody, control, or possession of earnings

1 of the Defendant in the foreseeable future. Yes____ No____

2 5. For the pay period in effect on the date of service of this Writ of Continuing
3 Garnishment, the Garnishee states as follows:

4 a. Defendant was in my/our employ. Yes____ No____

5 b. The Defendant's pay period is ____ weekly, ____ bi-weekly,
6 ____ semi-monthly, ____ monthly.

7 c. The Defendant's present pay period began on _____ (date).
8 ("Present" means the pay period in which the Writ of Continuing
Garnishment was served.)

9 d. The Defendant's present pay period ends on _____ (date).

10 e. The Defendant's net wages are as calculated below:

11 (1) Gross Pay \$_____

12 (2) Federal income tax \$_____

13 (3) F.I.C.A. tax \$_____

14 (4) State income tax \$_____

15 (5) SDI \$_____

16 Total tax withholdings \$_____

17 Net Wages \$_____
18 (gross pay minus above withheld taxes)

19 6. Are there any other garnishments currently in effect? Yes ____ No ____

20 If the answers is yes, describe below and attach to this Answer a copy of each
21 garnishment:
22 _____
23 _____
24 _____
25 _____

26 7. Will the Garnishee owe the Defendant money in the foreseeable future?

27 Yes ____ No____ If the answer is yes, provide the reason why such money will be
28 owed, the amount of money that will be owed, and the date or dates on which each

1 payment will be due:

2			
3	<u>Type of</u> <u>Payment</u>	<u>Amount</u>	<u>Date Payment</u> <u>Will be Due</u>
4	1. _____	_____	_____
5	2. _____	_____	_____
6	3. _____	_____	_____

7 8. Does the Garnishee currently have custody, control or possession of property
 8 (other than earnings) such as bank accounts, pensions, thrift plans, etc., in which the
 9 Defendant maintains an interest? Yes____ No____ If the answer is yes, then
 10 provide the following information for each item of such property:

11			
12	<u>Description of</u> <u>Property</u>	<u>Approximate</u> <u>Value</u>	<u>Description of</u> <u>Defendant's Interest</u>
13	1. _____	_____	_____
14	2. _____	_____	_____
15	3. _____	_____	_____
16	4. _____	_____	_____

17 9. Does the Garnishee expect to obtain in the foreseeable future custody,
 18 control or possession of property (other than earnings) such as bank accounts,
 19 pensions, thrift plans, etc., in which the Defendant maintains an interest? Yes____
 20 No____ If the answer is yes, then provide the following information for each item of
 21 such property:

22				
23	<u>Description of</u> <u>Property</u>	<u>Approximate</u> <u>Value</u>	<u>Description of</u> <u>Defendant's Interest</u>	<u>Date Will</u> <u>Obtain</u> <u>Property</u>
24	1. _____	_____	_____	_____
25	2. _____	_____	_____	_____
26	3. _____	_____	_____	_____
27	4. _____	_____	_____	_____

28

1 10. Does the Garnishee have any objections or defenses to the Writ of
2 Continuing Garnishment? Yes____ No____ If the answer is yes, list the nature
3 and basis of each objection and/or defense:

4 _____
5 _____
6 _____
7 _____
8 _____

9 On behalf of SAN FRANCISCO GIANTS, I hereby certify under penalty of perjury
10 under the laws of the United States of America that the foregoing is true and correct.

11
12 Telephone # _____

13
14 Fax # _____

15
16
17 Dated: _____

By: _____

18
19 (Sign above and type or print name below)
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I, _____, declare:

That I am a citizen of the United States and employed in the County of

_____, California; that my business address is

_____ ; that I am

over the age of eighteen years; and that I am not a party to the above-entitled action;

That on _____ (date), I deposited in the United States mail, in envelopes bearing the requisite postage, a copy of:

ANSWER OF GARNISHEE

addressed to each of the following, at their last known addresses, at which place there is service by United States mail.

JOHNNY J. ANGUIANO
510 Cypress Avenue
San Bruno, CA 94066

Michael Cosentino
Counsel for the United States
P.O. Box 129
Alameda, CA 94501

I have caused, or will cause, the original of the ANSWER OF GARNISHEE to be filed in the United States District Court pursuant to the instruction for same in paragraph # 3 of the Writ.

This Certificate was executed on _____ (date),
at _____ (city), _____ (state).

I certify under penalty of perjury that the foregoing is true and correct.

(sign above the line and type or print name below)

1 MICHAEL COSENTINO State Bar No. 83253
Counsel for the United States
2 P.O. Box 129
Alameda, CA 94501

3 Telephone: (510) 523-4702
4 Facsimile: (510) 747-1640

5 Attorney for Plaintiff
United States of America
6
7

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11
12 **UNITED STATES OF AMERICA,**

Case No. C00-4135 M

13 **Plaintiff,**

14 **v.**

15 **JOHNNY J. ANGUIANO,**

16 **Defendant,**

17 **and**

18 **SAN FRANCISCO GIANTS,**

**SEPARATE INSTRUCTIONS
TO GARNISHEE**

19 **Garnishee. /**

20 **SEPARATE INSTRUCTIONS TO GARNISHEE**

21 **TO: SAN FRANCISCO GIANTS**

22 **ENCLOSED IS A WRIT OF CONTINUING GARNISHMENT REQUESTING**
23 **THAT YOU DETERMINE WHETHER OR NOT YOU HAVE IN YOUR POSSESSION,**
24 **CUSTODY OR CONTROL ANY OF THE PROPERTY OF THE DEBTOR LISTED**
25 **THEREIN, OR ANY OTHER PROPERTY OF THE DEBTOR. YOU ARE REQUIRED**
26 **BY LAW TO SERVE A WRITTEN ANSWER TO THIS WRIT. YOU ARE FURTHER**
27 **REQUIRED TO WITHHOLD AND RETAIN ANY PROPERTY IN WHICH THE**
28 **DEBTOR HAS A SUBSTANTIAL NON-EXEMPT INTEREST. A LIST OF**

1 EXEMPTIONS WHICH ARE NOT SUBJECT TO THE WRIT OF GARNISHMENT IS
2 ATTACHED TO THE CLERK'S NOTICE ENCLOSED WITH THIS PAPER.

3 IF YOU FAIL TO ANSWER THIS WRIT OR TO WITHHOLD PROPERTY IN
4 ACCORDANCE WITH THE WRIT, THE COURT MAY MAKE YOU LIABLE FOR
5 THAT AMOUNT OF THE DEBTOR'S NON-EXEMPT PROPERTY WHICH YOU FAIL
6 TO WITHHOLD. ADDITIONALLY, YOU MAY BE HELD LIABLE FOR A
7 REASONABLE ATTORNEY'S FEE TO THE UNITED STATES OF AMERICA IF THE
8 UNITED STATES FILES A PETITION TO THE COURT REQUESTING AN
9 EXPLANATION FOR YOUR FAILURE TO COMPLY WITH THIS WRIT.

1 MICHAEL COSENTINO State Bar No. 83253
Counsel for the United States
2 P.O. Box 129
Alameda, CA 94501

3 Telephone: (510) 523-4702
4 Facsimile: (510) 747-1640

5 Attorney for Plaintiff
United States of America
6
7

8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11
12 **UNITED STATES OF AMERICA,**

Case No. **C00-4135 M**

13 Plaintiff,

14 v.

15 **JOHNNY J. ANGUIANO,**

16 Defendant,

17
18
19 and

20 **SAN FRANCISCO GIANTS,**

21 Garnishee.
22 _____/

**CLERK'S NOTICE OF POST-
JUDGMENT GARNISHMENT AND
INSTRUCTIONS TO DEFENDANT;
NOTICE TO DEFENDANT ON HOW
TO CLAIM EXEMPTION; CLAIM FOR
EXEMPTION FORM; REQUEST FOR
HEARING ON CLAIM OF
EXEMPTION FORM; OBJECTION TO
GARNISHEE'S ANSWER AND
REQUEST FOR HEARING FORM**

23 **CLERK'S NOTICE OF POST-JUDGMENT GARNISHMENT**
24 **AND INSTRUCTIONS TO DEFENDANT**

25 Pursuant to 28 U.S.C. § 3202(b), you are hereby notified that a Writ of
26 Continuing Garnishment has been issued by the Clerk of the Court to the Garnishee,
27 SAN FRANCISCO GIANTS, pursuant to the application of the United States of
28 America as a means of collecting a judgment against the defendant, JOHNNY J.

1 ANGUIANO. As a result, certain properties of the defendant, including wages,
2 salaries, or commissions due and owing to the defendant by the Garnishee, are being
3 taken by the United States, which has a court judgment against the defendant in case
4 number C00-4135 M in the United States District Court for the Northern District of
5 California in the sum of \$ 25,761.70 for a defaulted student loan. A balance of
6 \$67,018.21 remains outstanding as of February 5, 2020.

7 In addition, you are hereby notified that there are exemptions under the law
8 which may protect some of the property from being taken by the United States if the
9 defendant, JOHNNY J. ANGUIANO, can show that the exemptions apply. The
10 attached "Notice to Defendant on How to Claim Exemptions" and "Claim For
11 Exemption Form" summarizes the major exemptions that apply in most situations in
12 the State of California, and provides instructions on how to file a claim for exemption.

13
14 Instructions to Defendant

15 A. Request For Hearing For Return of Property Pursuant to 28 U.S.C. § 3202(b).

16 If you are JOHNNY J. ANGUIANO, you have a right to ask the Court to return
17 your property to you:

- 18 1. if you think the property the United States is taking qualifies under one of
19 the exemptions, or
- 20 2. in the event a default judgment has been entered against you, if you
21 think you do not owe the money to the United States that it claims you
22 do.

23 If you want a hearing to ask the Court for the return of your property, pursuant
24 to 28 U.S.C. § 3202(b), you must notify the Court within 20 days after you receive this
25 notice. You must make your request in writing, and either mail it or deliver it to the
26 Clerk of the Court at:

27 Civil Clerk, United States District Court
28 450 Golden Gate Avenue, 16th Floor
San Francisco, CA 94102

1 If you wish, you may use the attached "Request For Hearing" form to request the
2 hearing by checking the appropriate boxes and mailing it or delivering it to the Clerk of
3 the Court at the above address. You must also send a copy of your written request for
4 hearing to the United States at the following address so that the United States will
5 know that you want a hearing:

6 Michael Cosentino, Counsel for the United States
7 P.O. Box 129
Alameda, CA 94501

8 Pursuant to 28 U.S.C. § 3202(b), the hearing will take place within 5 days after the
9 Clerk receives your request, if you ask for it to take place that quickly, or as soon after
10 that as possible.

11 At the hearing, you will be required to explain to the judge why you believe the
12 property taken by the United States is exempt or, if a default judgment has been
13 entered against you, why you believe that you do not owe the money to the United
14 States. Pursuant to 28 U.S.C. § 3202(d), however, please note that the issues at the
15 hearing shall be limited:

- 16 1. to the probable validity of any claim of exemption;
- 17 2. to compliance by the United States with any statutory requirements for
18 the issuance of the Writ of Continuing Garnishment; and
- 19 3. in the event the judgment is by default (but only to the extent that the
20 Constitution or another law of the United States provides a right to a
21 hearing on the issue), to:
 - 22 a. the probable validity of the claim for the debt which is merged in
23 the default judgment; and
 - 24 b. the existence of good cause for setting aside such judgment.

25
26 B. Objection to Garnishee's Answer and Request For Hearing Pursuant to 28
27 U.S.C. § 3205(c)(5).

28 In addition, since a Writ of Continuing Garnishment has been issued by the

1 Clerk of the Court to the Garnishee, the Garnishee is required to file an Answer
2 containing information about your earnings and property in its custody, control, or
3 possession, and to mail you a copy of its Answer. If you object to the Garnishee's
4 Answer, pursuant to 28 U.S.C. § 3205(c)(5), you must file with the Court a written
5 objection to the Answer and request a hearing within twenty (20) days after receipt of
6 the Answer. The objection must state your reasons for believing that the earnings or
7 property listed in the Garnishee's Answer are not subject to garnishment by the United
8 States. The burden is on you to prove the grounds in support of your objection. Your
9 written objection to the Garnishee's Answer and request for a hearing must be mailed
10 or delivered to the Court at the following address:

11 Civil Clerk, United States District Court
12 450 Golden Gate Avenue, 16th Floor
San Francisco, CA 94102

13 If you wish, you may use the attached "Objection to Garnishee's Answer and Request
14 For Hearing" form by completing it and mailing it or delivering it to the Clerk of the
15 Court at the above address. A copy of the objection and request for hearing must also
16 be mailed or delivered to both the Garnishee and the attorney for the United States at
17 the following respective addresses:

18 Attn: Payroll Department
19 SAN FRANCISCO GIANTS
AT&T Park, 24 Willie Mays Plaza
20 San Francisco, CA 94107

21 Michael Cosentino, Counsel for the United States
22 P.O. Box 129
Alameda, CA 94501

23 Pursuant to 28 U.S.C. § 3205(c)(5), the Court will hold a hearing within ten (10) days
24 after the date that your Objection to Garnishee's Answer and Request for Hearing is
25 received by the Court, or as soon thereafter as is practicable. The Court will notify you
26 of the date, time, and place of the hearing.

27 **If you do not request a hearing within 20 days from the date you receive**
28 **this notice or within 20 days from the date you receive a copy of the Garnishee's**

1 **Answer, whichever is later, the Court may enter an order garnishing the property**
2 **held by the garnishee and permitting the United States to use the proceeds from**
3 **the property to pay your judgment. 28 U.S.C. §§ 3202(b) and 3205(c)(7).**

4 C. Defendant Living Outside Judicial District.

5 If you think you live outside the Northern District of California, which is
6 comprised of the counties of Alameda, Contra Costa, Del Norte, Humboldt, Lake,
7 Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San
8 Francisco, San Mateo, and Sonoma, you may request, not later than 20 days after you
9 receive this notice, that the Court transfer this proceeding to take your property to the
10 Federal judicial district in which you reside. You must make your request in writing,
11 and either mail it or deliver it to the Court at the following address:

12 Civil Clerk, United States District Court
13 450 Golden Gate Avenue, 16th Floor
San Francisco, CA 94102

14 You must also send a copy of your request to the attorney for the United States at the
15 following address so that the United States will know that you want the proceeding to
16 be transferred:

17 Michael Cosentino, Counsel for the United States
18 P.O. Box 129
Alameda, CA 94501

19 Be sure to keep a copy of this notice for your own records. If you have any
20 questions about your rights or about this procedure, you should contact a lawyer, an
21 office of public legal assistance, or the Clerk of the Court; however, the Clerk is not
22 permitted to give legal advice. Judgment debtor defendant may wish to seek
23 assistance from the Legal Help Center, a free service of the Volunteer Legal Services
24 Program, by calling 415-782-8982. At the Legal Help Center, judgment debtor
25 defendant will be able to speak with an attorney who may be able to provide basic
26 legal help but not representation. Information about the Legal Help Center is available

27 ///

28 ///

1 at <http://www.cand.uscourts.gov/helpcentersf>.

2
3 SUSAN Y. SOONG,
4 Clerk of the United States
5 District Court for the Northern
6 District of California

7 Dated: _____

8 By: _____

9 Deputy Clerk
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11
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26
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28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Case No.C00-4135 M

Plaintiff,

v.

JOHNNY J. ANGUIANO,

Defendant,

and

SAN FRANCISCO GIANTS,

Garnishee.

_____ /

**NOTICE TO DEFENDANT ON
HOW TO CLAIM EXEMPTIONS**

The attached pre-judgment or post-judgment process has been issued on request of the United States of America.

The law provides that certain property and wages cannot be taken. Such property is said to be exempted. The attached "Claim for Exemption Form" lists the major exemptions under federal law and your state law. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should fill out the attached "Claim for Exemption Form" and "Request for Hearing Form," and deliver or mail the original of both forms to:

Civil Clerk, United States District Court
450 Golden Gate Avenue, 16th Floor
San Francisco, CA 94102
and also send a copy of both forms to

Michael Cosentino
Counsel for the United States
P.O. Box 129
Alameda, CA 94501

If the United States of America as creditor is asking that your wages be

1 withheld, the method of computing the amount of wages which are exempt from
2 garnishment by law is indicated on the attached Claim for Exemption Form. You do
3 not need to file a claim for exemption to receive this exemption, but if you believe the
4 wrong amount is being withheld, you may file a claim for exemption.

5 On the day of the hearing, you should come to court ready to explain why your
6 property is exempted, and you should bring any documents which may help you prove
7 your case. If you do not come to court at the designated time and prove that your
8 property is exempt, you may lose some of your rights.

9 It may be helpful to you to seek the advice of an attorney in this matter.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
UNITED STATES OF AMERICA,
Plaintiff,
v.
JOHNNY J. ANGUIANO,
Defendant,
and
SAN FRANCISCO GIANTS,
Garnishee.
_____ /

CLAIM FOR EXEMPTION FORM
MAJOR EXEMPTIONS UNDER FEDERAL LAW

I claim that the exemption(s) from garnishment which are checked below apply in this case:

- _____ 1. Social Security benefits and Supplemental Security income (42 U.S.C. § 407).
- _____ 2. Veterans' benefits (38 U.S.C. § 3101).
- _____ 2a. Members of armed services (10 U.S.C. § 1440, 38 U.S.C. § 562).
- _____ 3. Federal civil service retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
- _____ 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- _____ 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
- _____ 6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
- _____ 6a. Seaman's, master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 1108-1109(a-c)).

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

- _____ 6b. Railroad retirement, pension, unemployment

1 benefits (45 U.S.C. §§ 231(m), 352(e).

2 _____ 7. Bankruptcy Code (Title 11, United States Code, §522) which
3 generally provides exemptions as follows:

4 (a)___ \$23,675 of equity in your residence. (d)(1)

5 (b)___ \$3,775 of equity in a motor vehicle. (d)(2)

6 (c)___ Jewelry worth up to \$1,600. (d)(4)

7 (d)___ Personal property worth up to \$12,625. (d)(3)
8 (However, no single item worth more
than \$600 can be claimed as exempt.)

9 (e)___ Property totaling up to \$1,250 in value, (d)(5)
10 plus up to \$11,850 of any unused
amount of the exemption provided in
11 number 7(a) above.

12 (f)___ \$2,375 of equity in professional books, (d)(6)
implements or tools, of your trade or
13 your dependant's trade.

14 (g)___ Any unmaturred life insurance contract (d)(7)
you own, other than credit life insurance.

15 (h)___ The aggregate value, up to \$12,625, (d)(8)
of any accrued dividend or interest
16 under, or loan value of, any unmaturred
life insurance contract you own, but only
17 if you are the insured or you are a
dependant of the insured.

18 (i)___ Professionally prescribed health aids (d)(9)
19 for you or your dependants.

20 (j)___ Unemployment compensation benefits, local public assistance
(d)(10) benefits, disability benefits, illness benefits; and alimony, support,
21 (A)&(B)&(C)&(D) and separate maintenance, to the extent these items are
reasonably necessary for your support or the support of your
22 dependants.

23 (d)(10)(E) (k)___ A payment under a stock bonus, pension, profit-sharing, annuity,
or similar plan or contract on account of illness, disability, death,
24 age, or length of service, to the extent reasonably necessary for
your support or the support of your dependants, subject to the
25 limitations set forth at Title 11 United States Code Section
522(d)(10)(E)(i)-(iii).

26 (d)(11) (l)___ Your right to receive, or property that is traceable to,
27 (A)&(B)&(C) i. an award under a crime victim's reparation law;
ii. a payment on account of the wrongful death of an
28 individual of whom you were a dependant, but only to the

- 1 extent reasonably necessary for your support or the
 2 support of your dependants;
 3 iii. a payment under a life insurance contract that insured an
 4 individual of whom you were a dependant on the date of
 5 the insured's death, but only to the extent reasonably
 6 necessary for your support or the support of your
 7 dependants;
 8 (d)(11)(D) iv. a payment, not to exceed \$23,675, on account of personal
 9 bodily injury suffered by you or by an individual of whom
 10 you are a dependant; however, payment for pain and
 11 suffering or payment to compensate actual pecuniary loss
 12 are not exempt under this paragraph;
 13 (d)(11)(E) v. a payment in compensation of loss of your future earnings
 14 or the future earnings of an individual of whom you are, or
 15 were, a dependant, but only to the extent reasonably
 16 necessary for your support or the support of your
 17 dependants.

18 (Exemptions provided by paragraph 7 may be elected in lieu of all other
 19 exemptions provided by the State of California)

20 8. Compensation for war risk hazard (42 U.S.C. § 1717).

MAJOR EXEMPTIONS UNDER STATE LAW

IF YOU HAVE SELECTED THE BANKRUPTCY CODE EXEMPTIONS (PARAGRAPH 7 ABOVE), YOU MAY NOT ALSO CLAIM THE STATE LAW EXEMPTIONS LISTED BELOW.

NOTE: The law of the State where you have been domiciled the greater part of the last 180 days governs your rights.

CALIFORNIA EXEMPTIONS:

**AMOUNT
CLAIMED
EXEMPT:**

9. HOMESTEAD OR RESIDENTIAL PROPERTY. \$

A debtor who is a member of a family unit may exempt \$100,000 if at least one other family unit member owns no interest in a homestead or only a community property interest with the debtor. Debtors over 55 with an income of not more than \$25,000 (debtors without joint income) or \$35,000 (married debtors' joint income) may exempt \$175,000 if sale is voluntary. Debtors who are 65 or older or disabled may exempt \$175,000. All others may exempt \$75,000. Spouses may not double the exemption. A homestead may include, but is not limited to, a house, a mobile home, a boat, or a condominium. Proceeds are exempt for 6 months. CAL. CIV. PROC. CODE §§ 487.025, 703.110, 704.710, 704.720 and 704.730.

10. WAGES, SALARY, COMMISSIONS, BONUSES, AND PERIODIC OR LUMP SUM PAYMENTS IN LIEU OF PER PAY VACATION. \$

Seventy-five percent of the period, disposable earnings of the debtor, but not less than thirty times the Federal minimum hourly wage per week, plus any amount withheld from the debtor's earnings pursuant to a wage assignment for support, are exempt from levy. CAL. CIV. PROC. CODE §§ 704.070, 704.113(c), 706.011, 706.050, and 706.052.

10a. CLAIM FOR ADDITIONAL EARNINGS EXEMPTION. \$

More earnings of the debtor may be exempt per pay period if the debtor proves that they are necessary for the support of the debtor or the debtor's family. CAL. CIV. PROC. CODE § 706.051.

11. WORKERS' COMPENSATION. \$

Exempt, except as otherwise provided in the Labor Code. CAL. CIV. PROC. CODE § 704.160; CAL. LAB. CODE § 4901.

12. PERSONAL PROPERTY. \$

The debtor may exempt ordinary and necessary household furnishings, appliances, wearing apparel and other personal

effects. The proceeds from execution sale of items of extraordinary value are exempt for 90 days after receipt by debtor in the amount determined by the court to be sufficient to purchase ordinary and necessary replacement. Jewelry, heirlooms and works of art are exempt to the extent that the aggregate equity therein does not exceed eight-thousand-seven-hundred-twenty-five dollars (\$8,725.00). Necessary health aids, and prosthetic or orthopedic appliances are exempt. No doubling of exemptions for married persons. CAL. CIV. PROC. CODE §§ 703.110, 704.020, 704.040 and 704.050.

13. MISCELLANEOUS BENEFITS.

\$ _____

All relocation benefits received from a public entity for displacement from a dwelling are exempt. Vacation credits accumulated by a state or other public employee are exempt. CAL. CIV. PROC. CODE §§ 704.113 and 704.180.

14. MOTOR VEHICLES.

\$ _____

(a) Any combination of the following is exempt in the amount of three-thousand-three-hundred-twenty-five dollars (\$3,325.00):

- (1) The aggregate equity in motor vehicles.
- (2) The proceeds of an execution sale of a motor vehicle.
- (3) The proceeds of insurance or other indemnification for the loss, damage, or destruction of a motor vehicle.

(b) Proceeds exempt under subdivision (a) are exempt for 90 days after the time the proceeds are actually received by the judgment debtor.

(c) For the purpose of determining the equity, the fair market value of a motor vehicle shall be determined by reference to used car price guides customarily used by California automobile dealers unless the motor vehicle is not listed in such price guides.

(d) If the judgment debtor has only one motor vehicle and it is sold at an execution sale, the proceeds of the execution sale are exempt in the amount of three-thousand-three-hundred-twenty-five (\$3,325.00) without making a claim. The levy officer shall consult and may rely upon the record of the Department of Motor Vehicles in determining whether the judgment debtor has only one motor vehicle. In the case covered by this subdivision, the

exemption provided by subdivision (a) is not available. CAL. CIV. PROC. CODE §704.010.

15. PARTNERSHIP PROPERTY. \$ _____

California has enacted the Uniform Partnership Act provision exempting a partner's interest in specific partnership property. CAL. CORP. CODE § 15025.

16. DEATH, DISABILITY, PENSION AND RETIREMENT BENEFITS. \$ _____

Benefits under various public and private retirement plans are exempt, except from judgments for child support. CAL. CIV. PROC. CODE §§ 704.110, 704.115; CAL. GOVT. CODE §§ 21201, 31452, 31913 and 32210.

17. BUSINESS LICENSES. \$ _____

A license issued by a public entity to engage in a business, activity, or profession is exempt. CAL. CIV. PROC. CODE §§ 695.060 and 699.720(a)(l).

18. SOCIAL SECURITY, DEPOSITS, AND CREDIT UNION SHARES. \$ _____

(a) A Social Security deposit account is exempt without making a claim in the following amount:

- (1) Three-thousand-five-hundred dollars (\$3,500.00) where one depositor is the designated payee of the directly deposited payments.
- (2) Five-thousand-two-hundred-fifty dollars (\$5,250.00) where two or more depositors are the designated payees of the directly deposited payments, unless those depositors are joint payees of directly deposited payments which represent a benefit to only one of the depositors, in which case the exempt amount is three-thousand-five-hundred dollars (\$3,500.00).

A Public Benefits deposit account is exempt without making a claim in the following amount:

- (1) One-thousand-seven-hundred-fifty dollars (\$1,750.00) where one depositor is the designated payee of the directly deposited payments.
- (2) Two-thousand -six-hundred dollars (\$2,600.00) where two or more depositors are the designated payees of the directly deposited payments.

(b) The amount of a deposit that exceeds the exemption provided in subdivision (a) is exempt to

the extent that it consists of payments authorized by Social Security Administration. Credit union shares and certificates are exempt. CAL. CIV. PROC. CODE § 704.080; CAL. FIN. CODE § 14864.

19. BUILDING MATERIALS. \$

Material that in good faith is about to be applied to the repair or improvement of a residence is exempt if the equity in the material does not exceed three-thousand-five-hundred dollars (\$3,500.00) in the following cases:

- (a) If purchased in good faith for use in the repair or improvement of the judgment debtor's principal place of residence.
- (b) Where the judgment debtor and the judgment debtor's spouse live separate and apart, if purchased in good faith for use in the repair or improvement of the spouse's principal place of residence. CAL. CIV. PROC. CODE § 704.030.

20. CEMETERIES AND BURIAL FUNDS. \$

Family plots are exempt. Land held for purpose of sale as cemetery plots is not exempt. Proceeds from sale of unused cemetery lands or lands from which all remains have been removed are exempt. CAL. CIV. PROC. CODE § 704.020; CAL. HEALTH & SAFETY CODE § 7925.

21. TRADE IMPLEMENTS: \$

- (a) Tools, implements, instruments, materials, uniforms, furnishings, books, equipment, one commercial motor vehicle, one vessel, and other personal property are exempt to the extent that the aggregate equity therein does not exceed:
 - (1) Eight-thousand-seven-hundred-twenty-five dollars (\$8,725.00), if reasonably necessary to and actually used by the judgment debtor in the exercise of the trade, business, or profession by which the judgment debtor earns a livelihood.
 - (2) Eight-thousand-seven-hundred-twenty-five dollars (\$8,725.00), if reasonably necessary to and actually used by the spouse of the judgment debtor in the exercise of the trade, business, or profession by which the spouse earns a livelihood.
 - (3) Seventeen-thousand-four-hundred-fifty dollars (\$17,450.00), if reasonably necessary to and actually used by the judgment debtor and by the spouse of the judgment debtor in the exercise of the same trade, business, or profession by which both earn a livelihood. In the case

covered by this paragraph, the exemptions provided in paragraph (1) and (2) are not available.

(b) If the property described in subdivision (a) is sold at an execution sale, or if it has been lost, damaged, or destroyed, the proceeds of the execution sale or of insurance or other indemnification are exempt for a period of 90 days after the proceeds are actually received by the judgment debtor or the judgment debtor's spouse. The amount exempt under the subdivision is the amount specified in subdivision (a) that applies to the particular case less the aggregate equity of any other property to which the exemption provided by subdivision (a) for the particular case has been applied.

(c) Notwithstanding subdivision (a) a motor vehicle is not exempt under subdivision (a) if there is a motor vehicle exempt under Section 704.010 which is reasonably adequate for use in the trade, business, or profession for which the exemption is claimed under this section.

(d) Notwithstanding subdivisions (a) and (b):

(1) The amount of the exemption for commercial motor vehicle under paragraph (1) or (2) of subdivision (a) is limited to four-thousand-eight-hundred-fifty dollars (\$4,850.00)

(2) The amount of the exemption for commercial motor vehicle under paragraph (3) of subdivision (a) is limited to nine-thousand-seven-hundred dollars (\$9,700.00). CAL. CIV. PROC. CODE § 704.060.

22. PUBLIC OR PRIVATE UNEMPLOYMENT COMPENSATION AND STRIKE BENEFITS. Exempt. CAL. CIV. PROC. CODE § 704.120.

\$ _____

23. INSURANCE BENEFITS.

\$ _____

(a) Unmatured life insurance policies (including endowment and annuity policies), but not the loan value of such policies, are exempt without making a claim.

(b) The aggregate loan value of unmaturred life insurance policies (including endowment and annuity policies) is subject to the enforcement of a money judgment but exempt in the amount of thirteen-thousand-nine-hundred-seventy-five dollars (\$13,975.00). If the judgment debtor is married, each spouse is entitled to a separate exemption

under this subdivision and the exemptions of the spouse may be combined, regardless of whether the policies belong to either or both spouses and regardless of whether the spouse of the judgment debtor is also a judgment debtor under the judgment. The exemptions provided by this subdivision shall be first applied to policies other than the policy before the court and then, if the exemption is not exhausted, to the policy before the court.

- (c) Benefits from mature life insurance policies (including endowment and annuity policies) are exempt to the extent reasonably necessary for the support of the judgment debtor and the spouse and dependents of the judgment debtor. Disability or health insurance benefits are exempt, except from claims for health care that form the basis for the benefits. CAL. CIV. PROC. CODE §§ 704.100 AND 704.130.

24. DAMAGES FOR PERSONAL INJURY AND WRONGFUL DEATH.

\$ _____

A cause of action for personal injury or wrongful death is exempt. An award arising out of personal injury or wrongful death is exempt to the extent necessary for the support of dependents, except from a claim based on the providing of health care for the injury for which the award was made. If an award or settlement is payable periodically, the amount of such payments that may be applied to satisfy a judgment is that which may be withheld from a like amount of earnings under wage garnishment law. CAL. CIV. PROC. CODE §§ 704.140 AND 704.150.

25. STUDENT AID.

\$ _____

Financial aid for expenses while attending school provided to a student by an institution of higher education is exempt before and after payment. CAL. CIV. PROC. CODE § 704.190.

26. FIDELITY BONDS.

\$ _____

Money put up as a bond is exempt, except in an action between an employer and employee or applicant. CAL. LABOR CODE § 404.

27. FRATERNAL BENEFIT SOCIETY BENEFITS.

\$ _____

Exempt. CAL. CIV. PROC. CODE § 704.170.

28. INMATE'S TRUST ACCOUNT.

\$ _____

Funds held in trust for a debtor confined in prison are exempt in the amount of one-thousand-seven-hundred-fifty dollars (\$1,750.00), or restitution fine or order in the amount of three-hundred-twenty-five dollars (\$325.00). If the debtor is married, each spouse is entitled to a separate

1 exemption or the spouses may combine their exemptions.
 2 CAL. CIV. PROC. CODE § 704.090.

3 29. PUBLIC ASSISTANCE, OR SIMILAR AID \$ _____
 4 PROVIDED BY A CHARITABLE ORGANIZATION.
 5 Exempt. Persons receiving public assistance have certain
 6 exemptions of additional property as specified in Welf. &
 7 Inst. Code § 17409. CAL. CIV. PROC. CODE §
 8 104.170; CAL. WELF. & INST. CODE §§ 11002 AND
 9 17409.

10 30. TRAVELERS CHECK SALES PROCEEDS HELD \$ _____
 11 BY SALES AGENT.
 12 Exempt except for the sales commission. CAL. FIN.
 13 CODE § 1875.

14 The statements made in this claim of exemptions are listed at fair market value
 15 of the property designated, and I certify under penalty of perjury that they are true and
 16 correct. See also Judicial Council form EJ-156

17 Dated: _____

18 _____
 19 Debtor's name
 20 (Please print or type)

21 _____
 22 Signature of Debtor

23 NOTICE: IF YOU CLAIM EXEMPTION 10a, 23, OR 24, YOU MUST ALSO
 24 COMPLETE AND RETURN THE ATTACHED FINANCIAL
 25 STATEMENT.
 26
 27
 28

FINANCIAL STATEMENT**(Enforcement of Judgment)**

Note: If you are married, this form must be signed by your spouse unless you and your spouse are living separate and apart. If this form is not signed by your spouse, check the applicable box on the second page in Item 9.

1. The following persons other than myself depend in whole or in part, on me or my spouse for support:

	NAME	AGE	RELATIONSHIP TO ME	MONTHLY TAKE HOME INCOME & SOURCE
a.			Spouse	
b.				
c.				
d.				

2. My monthly income

a. My gross monthly pay is: a. \$ _____

b. My payroll deductions are (specify purpose and amount):

(1) Federal and state withholding, FICA, and SDI \$ _____

(2) _____ \$ _____

(3) _____ \$ _____

(4) _____ \$ _____

My TOTAL payroll deduction amount is (add (1) through (4)): b. \$ _____

c. My monthly take-home pay is (a minus b): c. \$ _____

d. Other money I get each month from (specify source):

_____ d. \$ _____

e. **TOTAL MONTHLY INCOME (c plus d):** e. \$ _____

3. I, my spouse, and my other dependents own the following property:

a. Cash a. \$ _____

b. Checking, savings, and credit union accounts (list banks):

(1) _____ \$ _____

(2) _____ \$ _____

(3) _____ \$ _____

b. \$ _____

c. Cars, other vehicles, and boat equity (list make, year of each):

(1) _____ \$ _____

(2) _____ \$ _____

(3) _____ \$ _____

c. \$ _____

- 1 d. Real estate equity d. \$ _____
- 2 e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.)(list separately):
- 3 e. \$ _____

4. The monthly expenses for me, my spouse, and my other dependents:
- 4 a. Rent or house payment and maintenance a. \$ _____
- 5 b. Food and household supplies b. \$ _____
- 6 c. Utilities and telephone c. \$ _____
- 7 d. Clothing d. \$ _____
- 8 e. Medical and dental payments e. \$ _____
- 9 f. Insurance (life, health, accident, etc.) f. \$ _____
- 10 g. School, child care g. \$ _____
- 11 h. Child, spousal support (prior marriage) h. \$ _____
- 12 i. Transportation & auto expenses (insurance, gas, repair)
(list car payments in item 5) i. \$ _____
- 13 j. Installment payments (insert total and itemize below in item 5) j. \$ _____
- 14 k. Laundry and cleaning k. \$ _____
- 15 l. Entertainment l. \$ _____
- 16 m. Other (specify) m. \$ _____
- 17 n. TOTAL MONTHLY EXPENSES (add a through m):. n. \$ _____

- 18 5. I, my spouse, and my other dependents owe the following debts:

CREDITOR'S NAME	FOR	MO. PAYMENTS	BALANCE OWED	OWED BY (State person's name)
-----------------	-----	--------------	--------------	----------------------------------

19 (If more space is needed, continue on a blank sheet of paper and attach as Attachment 5.)

- 20 6. Other facts which support this Claim of Exemption (i.e. unusual medical needs, school
tuition, expenses for recent family emergencies, or other unusual expenses to help your
creditor and the judge understand your budget)(describe)(If more space is needed,
21 continue on a blank sheet of paper and attach as Attachment 6.)

- 22 7. ____ An earnings withholding order is now in effect with respect to my earnings or those of
my spouse or dependents named in item 1 (specify each person's name and monthly
amount):

- 23 8. ____ A wage assignment for support is now in effect with respect to my earnings or those of
my spouse or dependents named in item 1 (specify each person's name and monthly
amount):

- 24 9. ____ My spouse has signed below.
____ I have no spouse.
____ My spouse and I are living separate and apart.

25 I certify under penalty of perjury that the foregoing is true and correct.

26
27 Date and Type or print name

Signature

28
Date and Type or print name of spouse

Signature of spouse

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Case No. C00-4135 M

Plaintiff,

v.

JOHNNY J. ANGUIANO,

REQUEST FOR HEARING ON CLAIM
OF EXEMPTION
(28 U.S.C. § 3202(b))

Defendant,

and

SAN FRANCISCO GIANTS,

Garnishee.

_____ /

☐ I request that the Court hold a hearing in this matter.

☐ I also request that the hearing be held within 5 days or as soon thereafter as possible.

☐ I claim an exemption in the property that the United States is taking. See the attached CLAIM FOR EXEMPTION FORM.

Dated: _____

Signature: _____

Name: _____
(Type or print)

Address: _____

Telephone Number: _____ (Include home and
daytime phone numbers)

CERTIFICATE OF SERVICE

I, _____, declare:

That I am a citizen of the United States and live in the County of _____ (city), California; that my address is _____; that I am over the age of eighteen years; and that I am not a party to the above-entitled action;

That on _____ (date), I deposited in the United States mail, in an envelope bearing the requisite postage, a copy of:

REQUEST FOR HEARING ON CLAIM OF EXEMPTION

addressed to:

Michael Cosentino
Counsel for the United States
P.O. Box 129
Alameda, CA 94501

at their last known addresses at which place there is service by United States mail.

This Certificate is executed on _____ (date),
at _____ (city), California.

I certify under penalty of perjury that the foregoing is true and correct.

(Sign above and type or print name
below)

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Case No. C00-4135 M

Plaintiff,

v.

JOHNNY J. ANGUIANO,

Defendant,

and

OBJECTION TO GARNISHEE'S
ANSWER AND REQUEST FOR
HEARING
(28 U.S.C. § 3205(c)(5))

SAN FRANCISCO GIANTS,

Garnishee.

_____ /

I, JOHNNY J. ANGUIANO, Defendant, hereby object to the answer of the
Garnishee, SAN FRANCISCO GIANTS, on the following grounds:

1. The earnings and property listed in the Garnishee's Answer are not subject to
garnishment by the United States for the following reasons:

a. _____

b. _____

1 c. _____
2 _____
3 d. _____
4 _____

5 2. I further object to the answer of the Garnishee because:
6 a. _____
7 _____
8 b. _____
9 _____
10 c. _____
11 _____
12 d. _____
13 _____

14 I FURTHER REQUEST that the Court hold a hearing in this matter.
15

16 Dated: _____
17

Signature: _____

18 Name: _____
(Type or print)

19 Address: _____
20 _____
21 _____

22 Telephone Number: _____
23 (Include home and
24 daytime phone numbers)
25
26
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28

CERTIFICATE OF SERVICE

I, _____, declare:

That I am a citizen of the United States and live in the County of

_____ (city), California; that my address is

_____ ; that I

am over the age of eighteen years; and that I am not a party to the above-entitled

action;

That on _____ (date), I deposited in the United States mail, in
an envelope bearing the requisite postage, a copy of:

**OBJECTION TO GARNISHEE'S ANSWER
AND REQUEST FOR HEARING**

addressed to:

Attn: Payroll Department
SAN FRANCISCO GIANTS
AT&T Park, 24 Willie Mays Plaza
San Francisco, CA 94107

and,

Michael Cosentino
Counsel for the United States
P.O. Box 129
Alameda, CA 94501

at their last known addresses at which place there is service by United States mail.

This Certificate is executed on _____ (date),

at _____ (city), California.

I certify under penalty of perjury that the foregoing is true and correct.

(Sign above and type or print name
below)